

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
BUFFALO DIVISION

Swissdigital USA Co., Ltd.,

Plaintiff,

v.

Avon Lifestyle Pvt. Ltd. and

Naina Parekh,

Defendants.

JURY TRIAL DEMANDED

Case No.: 1:20-cv-870-LJV

NOTICE OF MOTION FOR DEFAULT JUDGMENT

PLEASE TAKE NOTICE that, upon Plaintiff's Memorandum of Law in Support of Motion for Default Judgment, dated May 9, 2023, the Complaint (Dkt. No. 1) filed on July 10, 2020, and all prior proceedings and filings in this action, Plaintiff Swissdigital USA Co., Ltd. ("Swissdigital") will move this Court, located at U.S. Courthouse, 2 Niagara Square, Buffalo, New York 14202, at a date and time to be set by the Court, for entry of a judgment by default against Defendants Avon Lifestyle Pvt. Ltd. ("Avon") and Naina Parekh (collectively, "Defendants") pursuant to Federal Rule of Civil Procedure 55(b)(2) and an award of costs and attorneys' fees. Swissdigital intends to file reply papers if an opposition is filed.

As grounds for this motion, Swissdigital states as follows:

1. The Complaint (Dkt. No. 1) in this action was filed on July 10, 2020.
2. Swissdigital provided Defendants with actual notice of this lawsuit and attempted to effect service on Defendants pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. *See* Resp. Order to Show Cause (Dkt. No. 8). On April 3,

2023, this Court found that “Swissdigital has complied with the requirements of the Hague Convention” and “Swissdigital’s efforts to serve [D]efendants satisfied the due process clause.” Text Order (Dkt. No. 9).

3. No answer or other defense has been filed by Defendants.

4. Pursuant to Federal Rule of Civil Procedure 55(a), the Clerk of the Court entered default against Defendants on April 4, 2023. The Clerk’s Entry of Default (Dkt. No. 10) was filed on April 4, 2023.

5. Because the defaulting Defendants have failed to appear or plead, the Court should enter a judgment by default on each of the counts in the Complaint and award the relief requested by Swissdigital, as set forth in the accompanying Memorandum of Law.

Dated: May 9, 2023

Respectfully submitted,

s/ Dariush Keyhani
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